



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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Secretary of Natural Resources

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Robert G. Burnley  
Director

Jeffery A. Steers  
Regional Director

### STATE WATER CONTROL BOARD ENFORCEMENT ACTION

#### SPECIAL ORDER BY CONSENT

#### ISSUED TO

#### RAPPAHANNOCK COUNTY PUBLIC SCHOOLS

#### FOR THE

#### RAPPAHANNOCK COUNTY HIGH SCHOOL SEWAGE TREATMENT PLANT (VPDES PERMIT NO. VA0064181)

#### SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code § 62.1-44.15(8a) and (8d) and 10.1-1185 between the State Water Control Board and Rappahannock County Public Schools regarding the Rappahannock County High School sewage treatment plant for the purpose of resolving certain violations of the State Water Control Law and Regulations.

#### SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code § 62.1-44.7 and 10.1-1184.

3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.
6. "STP" means the Rappahannock County High School sewage treatment plant located in Rappahannock County, Virginia.
7. "Regulation" means 9 VAC 25-31-10 *et seq.*, Virginia Pollutant Discharge Elimination System Permit Regulation.
8. "Permit" means the Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0064181.
9. "NVRO" means the Northern Virginia Regional Office of DEQ, located in Woodbridge, Virginia.
10. "County" means Rappahannock County Public Schools, owner of the STP.

**SECTION C: Finding of Fact and Conclusions of Law**

1. The Rappahannock County High School ("High School") STP is a 0.005 MGD plant that is located in Rappahannock County, Virginia and treats wastewater from the High School. The STP discharges into an unnamed tributary of the Covington River, which is located within the Rappahannock River Basin. Discharges are the subject of VPDES Permit No. VA0064181.
2. The Board has evidence to indicate that the County has violated the Regulation and the Permit by exceeding Permit effluent limits for Biochemical Oxygen Demand ("BOD"), Total Suspended Solids ("TSS"), Ammonia as Nitrogen ("Ammonia"), and *E.coli*. DEQ NVRO issued one warning letter (WL) and four notices of violation (NOV) to the County for the above-referenced violations as follows: WL No. W2005-03-N-1018 issued March 7, 2005; NOV No. W2005-04-N-0009 issued April 12, 2005; NOV No. W2005-05-N-0011 issued May 16, 2005; NOV No. W2005-07-N-0005 issued July 6, 2005; and NOV No. W2005-07-N-0014 issued July 13, 2005.
3. The STP design includes three sand beds that filter suspended and settleable solids and biologically treat organic matter. The STP problems stem from the fact that the design is very sensitive to temperature and loading fluctuations and in addition requires a large amount of maintenance attention. The filters are prone to periodically freezing in the winter time which results in

inadequate treatment. The STP has historically had trouble meeting several Permit effluent limits during the colder months.

4. On May 31, 2005, DEQ met with County representatives to discuss the STP's compliance history and options to bring it back into compliance. After agreeing on intermediate steps that should be taken at the High School, the County agreed to have Environmental Systems Service, Ltd. ("ESS") complete a full environmental evaluation of the wastewater system and explore opportunities to improve treatment performance.
5. ESS performed a site inspection on August 23, 2005 to detail observations of the STP components and identify potential areas of concern. The final report that included a summary of findings and recommendations was completed on September 16, 2005. The final recommendations included several intermediate steps to improve the operation of the plant, but concluded that due to the age of the facility a new treatment system should be constructed in the future.
6. Appendix A of this Order requires the County to upgrade the existing STP. If those changes do not enable the County to maintain compliance with current effluent limits, then Appendix A also requires the County to install a new advanced treatment system and take the existing STP off-line.

#### **SECTION D: Agreement and Order**

Accordingly, the State Water Control Board, by virtue of the authority granted it in Va. Code § 62.1-44.15(8a) and (8d), orders Rappahannock County Public Schools, and Rappahannock County Public Schools voluntarily agrees that:

1. Rappahannock County Public Schools shall perform the actions described in Appendix A and B of this Order to remedy the violations described above and achieve compliance with the State Water Control Law and Regulations.

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of Rappahannock County Public Schools, for good cause shown by Rappahannock County Public Schools, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein and listed above in Section C-2. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3)

taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.

3. For purposes of this Order and subsequent actions with respect to this Order, Rappahannock County Public Schools admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Rappahannock County Public Schools consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Rappahannock County Public Schools declares it has received fair and due process under the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, and the State Water Control Law, and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Rappahannock County Public Schools to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Rappahannock County Public Schools shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Rappahannock County Public Schools shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Rappahannock County Public Schools shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order.

Such notice shall set forth:

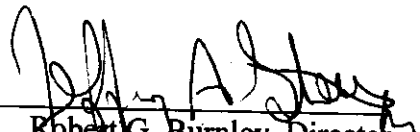
- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;

- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

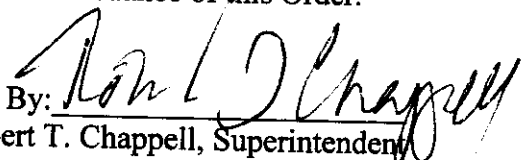
Failure to so notify the Regional Director within twenty-four (24) hours of learning of any condition above, which Rappahannock County Public Schools intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

- 9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
- 10. Any plans, reports, schedules, permits, or specification attached hereto or submitted by Rappahannock County Public Schools and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
- 11. This Order shall become effective upon execution by both the Director or his designee and Rappahannock County Public Schools. Notwithstanding the foregoing, Rappahannock County Public Schools agrees to be bound by any compliance date, which precedes the effective date of this Order.
- 12. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Rappahannock County Public Schools. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Rappahannock County Public Schools from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
- 13. The undersigned representative of Rappahannock County Public Schools certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Rappahannock County Public Schools to this document. Any documents submitted pursuant to this Order shall also be submitted by a responsible official of Rappahannock County Public Schools.
- 14. By its signature below, Rappahannock County Public Schools voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of 17 March, 2006.

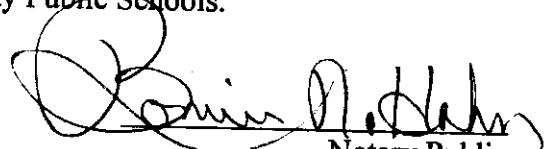
  
DAVID K. PAVLEN Robert G. Burnley, Director  
Department of Environmental Quality

Rappahannock County Public Schools voluntarily agrees to the issuance of this Order.

By:   
Robert T. Chappell, Superintendent  
Rappahannock County Public Schools  
Date: 11/18/05

Commonwealth of Virginia  
City/County of Rappahannock

The foregoing document was signed and acknowledged before me this 18 day of November, 2005, by Robert T. Chappell, Superintendent of Rappahannock County Public Schools, on behalf of Rappahannock County Public Schools.

  
Notary Public

My commission expires: Oct 31, 2008

## **APPENDIX A SCHEDULE OF COMPLIANCE**

Rappahannock County Public Schools agrees to:

1. By no later than December 1, 2005, submit to DEQ for review and approval a written grease handling and control program to be distributed to kitchen staff and culinary arts instructors. The plan shall include a grease trap cleaning schedule, controls for products (i.e. oil from frying, left over meats, milk and cleaning chemicals) disposed of in sinks and alternative disposal methods.
2. By December 31, 2005, install a temporary recirculation system after the sand beds to allow recycling of wastewater. By April 1, 2006, submit to DEQ a report detailing whether the temporary system has improved treatment performance. If the report shows significant improvement, within sixty (60) days submit to DEQ a Preliminary Engineering Report (PER), for review and approval, to modify the STP to include a permanent recirculation system
3. Within sixty (60) days of PER approval, submit plans and specifications, for review and approval, for modification of the STP; and
4. Within sixty (60) days of approval of plans and specifications, commence construction.
5. Complete construction and obtain a Certificate to Operate (CTO) the modified STP within ninety (90) days of commencement.
6. By no later than January 31, 2006, implement the grease handling and control program by distributing it to kitchen staff and culinary arts instructors and holding an employee training program.
7. By no later than January 31, 2006, submit to Virginia Department of Health ("VDH") for review and approval, plans and specifications for segregating the kitchen waste lines from the sanitary sewage lines to include a separate grease trap system for kitchen waste.
8. By no later than February 28, 2006, replace the corroded piping leading from the dosing tank to the sand bed distribution box and the missing baffles in the sand filter distribution box, construct diversion ditches around the periphery of the sand beds to redirect runoff from the hill above, and construct a fine mesh cover with operator access areas over the chlorine and dechlorination tanks.

9. By no later than August 31, 2006, complete construction of the modified kitchen grease trap system in accordance with the approved plans and specifications.
10. By no later than December 31, 2005, submit to DEQ for review and approval a preliminary report detailing possible design options, costs, and time schedule for construction of an advanced treatment system if needed in the future.
11. Should Discharge Monitoring Report (DMR) submissions show that, for a period not to exceed one year, subsequent to completion of the corrective actions referenced in paragraphs 2 through 9 hereof, the modifications listed in paragraphs 2-9 above have not demonstrated that the STP is capable of consistently meeting Permit effluent limitations, Rappahannock County Public Schools shall submit plans and specifications, for review and approval, for installation of an advanced treatment system to DEQ within five (5) months following notification of such determination.
12. Begin construction within sixty (60) days of approval of the plans and specifications and, within eight (8) months of commencement, complete construction and obtain a CTO for the advanced treatment system.
13. Submit quarterly construction project progress reports to NVRO with the DMR submission and continue to operate the STP in accordance with the Operations and Maintenance (O&M) manual and the Sludge Management Plan (SMP) in order to ensure that the STP produces the best quality effluent of which it is capable, and in order to minimize any additional exceedances of Permit effluent limits and impacts to water quality that may occur while the plant is under construction.
14. During the period beginning with the effective date of this Order and lasting until completion of the corrective actions referenced in paragraphs 2 through 9, as well as completion of the corrective action contemplated by paragraph 11 hereof, if such further corrective action is necessary, the County shall limit the discharge from the STP in accordance with the Permit, except as specified in Appendix B hereto.
15. Within ninety (90) days of the issuance of the CTO for the advanced treatment system, comply with Permit effluent limitations and submit a closure plan for the old STP to DEQ for review and approval.
16. With ninety (90) days of approval of the closure plan, close the old STP and submit a closure report to DEQ.



**APPENDIX B**  
**INTERIM EFFLUENT LIMITATIONS**  
**RAPPAHANNOCK COUNTY HIGH SCHOOL STP**

During the period beginning with the effective date of this Order and lasting until the schedule in Appendix A is completed, in accordance with the timelines outlined therein, Rappahannock County Public Schools shall monitor and limit the discharge from the STP in accordance with VPDES Permit No. VA 0064181, except as specified below. These interim limits shall retroactively apply, if applicable, as of the first day of the month in which this Order becomes effective. These requirements shall be construed in light of the Board's Permit Regulation.

| PARAMETER  | DISCHARGE LIMITATIONS           |                |               |         |
|--|---------------------------------|----------------|---------------|---------|
|  | Monthly Average                 | Weekly Average | Minimum       | Maximum |
|  | Concentration                   | Loading        | Concentration | Loading |
| Biochemical Oxygen Demand, 5-day - "BOD <sub>5</sub> " | 30.0 mg/L                       | NL             | NL            | N/A     |
| Total Suspended Solids - "TSS"                         | 30.0 mg/L                       | NL             | NL            | N/A     |
| MGD = Million gallons per day.                         | N/A                             |                | N/A           |         |
| mg/L = Milligrams per liter.                           | NL                              |                | NL            |         |
|  | = No limit; monitor and report. |                |               |         |